

ABSTRACT

Public Servants – Allegation of Corruption against Sri Mohd Sarwar Miya, Executive Director, A.P. State Minorities Finance Corporation, Karimnagar Branch – Trapped by A.C.B officials on 02.06.2009 – Prosecution – Sanction orders – Issued.

MINORITIES WELFARE (V&C) DEPARTMENT

G.O. Ms. No. 54

Dated: 05.06.2012.

ORDER:-

Whereas, Sri Mohd Sarwar Miya, worked as Executive Director, A.P. State Minorities Finance Corporation, Karimnagar Branch, during the period from 25.07.2007 to 02.06.2009 and as such, he is a public servant within the meaning of clause (C) of Section (2) of the Prevention of Corruption Act 1988 (Act of 1986).

2. And whereas, it is alleged that, Sri Khaja Azeemuddin S/o Khaja Moinuddin, 39 years, R/o Kothapalli (V), Karimnagar Mandal & District came to office of the D.S.P., A.C.B., Karimnagar on 01.06.2009 at 13.00 hrs and lodged a Telugu written complaint stating that, on 20.09.2008 he applied for subsidy Scheme under A.P. State Minorities Finance Corporation to the Executive Director, Minorities Corporation for the establishment of Motor Spare Parts Shop. The E.D., Minorities forwarded his application to the Union Bank, Kothapally (H) & (V) for loan consent letter and the Bank Manager, Union Bank gave his consent letter. Upon which, the District Collector, Karimnagar issued proceedings on 18.12.2008 by sanctioning the subsidy of Rs. 15,000/-. The Union Bank, Kothapally Branch sanctioned a loan of Rs. 70,000/- in March, 2009 to Sri Khaja Azeemuddin. But the subsidy amount from Minorities Corporation was not credited to the account of Sri Khaja Azeemuddin. Since April, 2009, Sri Khaja Azeemuddin met Sri Mohd Sarwar Miya, Executive Director several times and requested to release the subsidy amount, but the subsidy amount was not released. On 24.05.2009 morning Sri Mohd Sarwar Miya rang up, to Sri Khaja Azeemuddin and told him to come and meet him at his office, if he wanted the subsidy amount. On 25.05.2009, Sri Khaja Azeemuddin went to the office of the Executive Director, and met Sri Mohd Sarwar Miya, who demanded to pay a bribe of Rs. 3,000/- for the release of the subsidy amount. Sri Khaja Azeemuddin expressed his inability to pay such a huge amount. Again Sri Khaja Azeemuddin met Sri Mohd Sarwar Miya on 1.06.2009 morning and requested him to release the subsidy budget, but he reiterated his earlier demanded of bribe of Rs. 3,000/-. On the persistent requests of Sri Khaja Azeemuddin, Sri Mohd Sarwar Miya reduced the bribe amount to Rs. 2,000/-. As there was no option left, Sri Khaja Azeemuddin reluctantly agreed to pay the bribe of Rs. 2,000/- to Sri Mohd Sarwar Miya within 2 to 3 days.

3. And whereas, Sri Khaja Azeemuddin was not willing to pay the demanded bribe amount of Rs. 2,000/- to Sri Mohd Sarwar Miya, Executive Director and he approached O/o DSP ACB, Karimnagar, on 01.06.2009 at 13.00 hrs, and lodged a written complaint with a request to take necessary legal action against Sri Mohd Sarwar Miya.

(PTO)

4. And whereas, on receipt of the complaint, confidential enquiries were made with regard to the genuineness of the complaint, reputation of Sri Mohd Sarwar Miya etc., and a case in Cr. No. 15/ACB-KNR/2009 U/s 7 of P.C Act – 1988 was registered on 02.06.2009 at 14:30 hrs and took up the investigation.

5. And whereas on 02.06.2009 at 4:55 PM, Sri Mohd Sarwar Miya demanded and accepted the bribe amount from Sri Kaja Azeemuddin as illegal gratification other than legal remuneration and was trapped by DSP and other officials of ACB, Karimnagar Range. The phenolphthalein test conducted on the right hand fingers of Sri Mohd Sarwar Miya, gave positive result and tainted amount of Rs. 2,000/- was seized from the right side table drawer of the office table of Sri Mohd Sarwar Miya at his instance. The connected file pertaining to Sri Khaja Azeemuddin was also seized from the possession of Sri Mohd Sarwar Miya with the attestation of mediators.

6. And, whereas, the above said acts of Sri Mohd Sarwar Miya constitute offences punishable under Sections 7 and 13 (2) r/w Section 13 (1) (d) of the Prevention of Corruption Act, 1988.

7. And whereas, the Government of Andhra Pradesh, being the competent authority to remove the said Sri Mohd Sarwar Miya, Executive Director, A.P. State Minorities Finance Corporation, Karimnagar Branch, from his office after fully and carefully examining the material i.e. FIR, Pre-trap, Post Trap proceedings placed before them in respect of the said allegations and having regard to the fact and circumstances of the case consider that, the said Sri Mohd Sarwar Miya, Executive Director, O/o E.D. Minorities Finance Corporation, Karimnagar Branch should be prosecuted in a competent court of law for the aforesaid offences.

8. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 19 of the Prevention of Corruption Act 1988 (Act 49 of 1988) the Government of Andhra Pradesh hereby accord sanction for the prosecution of the said Sri Mohd Sarwar Miya, Executive Director, A.P. State Minorities Finance Corporation, Karimnagar Branch for the offences punishable under Section 7 and Sub Section (2) of Section 13 read with clause (d) of Sub Section (1) of Section 13 of the Prevention of Corruption Act, 1988 and for any other cognate offences punishable under any other provisions of law for the time being in force in respect of the above said acts and for taking cognizance of the said offences by the court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

(J. RAYMOND PETER)
PRINCIPAL SECRETARY TO GOVERNMENT &
SECRETARY TO GOVERNMENT (MW) (I/C)

To
The Director General,
Anti-Corruption Bureau,
A.P., Hyderabad.